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IN THE

Supreme Court of the United States

OCTOBER TERM, 1962

No. 445.

SOUTHERN CALIFORNIA EDISON COMPANY, a corporation,
Appellant,

vs.

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
Appellee,

SOUTHERN CALIFORNIA GAS COMPANY and SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA,
Real Parties in Interest.

Motion of Southern California Gas Company and Southern Counties Gas Company of California to Correct Title and Caption of the Case.

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Southern California Gas Company and Southern Counties Gas Company of California hereby move for an order permitting them to appear as appellees herein, and correcting and amending the title and caption of the within cause so as to describe and designate them as appellees herein.

This motion is made on the ground that the moving parties were below and are here parties to and in the cause adversary to the appellant and are, therefore, entitled to be treated as, and to have all the rights and privileges of, appellees.

The facts on which this motion is based are: Appellant and the so-called "real parties in interest" are, and from the beginning of this litigation have been, adversary to each other. The cause below was an application by these moving parties made in and to the Public Utilities Commission of the State of California for a certificate that public convenience and necessity require the construction, operation and maintenance by them of a pipeline for the transportation and sale of gas to the public. The appellant herein appeared in said cause as a party, designated in the California practice as an "interested party," and as such opposed the granting of the certificate sought by these moving parties. The Commission granted the certificate whereupon the appellant here petitioned the Supreme Court of the State of California to issue a writ of review in order to bring the cause before it for review and upon such review to annul the order of the Commission granting the certificate. These moving parties appeared in the Supreme Court in a capacity designated in the California practice as "real parties in interest" and there opposed the issuance of a writ of review.

In the California practice the nominal party-respondent to a petition for a writ of review is the Commission. The other parties-litigant, aside from the petitioner, are called "real parties in interest." The "real parties in interest" are in fact, and have all the right and privileges of, an actual party-respondent in the litigation; and they are adverse to the petitioner. The

state Supreme Court denied appellant's petition for a writ of review. Such a denial amounts in the California practice to an affirmance of the Commission's order on the merits. It is from the state Supreme Court's judgment of denial that the within appeal is taken. The notice of appeal was served upon these moving parties but designated them by their designation in the State Supreme Court, *i.e.*, "real parties in interest." In directly analogous circumstances a motion such as this one has been granted by this Court. [*McCaw v. Superior Court*, 369 U. S. 874.]

Dated: October 12, 1962.

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